

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

AIDA ELZAGALLY <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:19-cv-00853 (LMB/JFA)
	)	
KHALIFA HIFTER,	)	
	)	
Defendant.	)	
	)	
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MUNA AL-SUYID <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:20-cv-00170 (LMB/JFA)
	)	
KHALIFA HIFTER,	)	
	)	
Defendant.	)	
	)	
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ALI ABDALLA HAMZA <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:20-cv-01038 (LMB/JFA)
	)	
KHALIFA HIFTER,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM IN SUPPORT OF DEFENDANT'S  
MOTION TO TAKE JUDICIAL NOTICE AND TO STAY PROCEEDINGS**

This Court has previously taken notice of the political situation in Libya and stayed the proceedings due to the potential impact of this litigation on the delicate peace process. Mr. Hifter asks this court to do so again due to the renewed push for

elections to proceed in Libya. Mr. Hifter requests that the Court take notice of the Joint Statement of France, Germany, Italy, the United Kingdom, and the United States on the elections in Libya, and reimpose the stay. Counsel for Plaintiff has met and conferred with opposing counsel prior to filing this motion.

Under FRCP Rule 201, this Court may take notice of a fact that is not subject to reasonable dispute because it can be readily determined from sources that cannot reasonably be questioned. Here, the U.S. Department of State has issued a Joint Statement on June 24, 2022, with the countries of France, Germany, Italy, and the United Kingdom, calling on Libyan House of Representatives, the High State Council, and their leaders to “urgently finalize the legal basis so that credible, transparent, and inclusive presidential and parliamentary elections can be held as soon as possible,” attached hereto as Exhibit 1.<sup>1</sup> That same week, according to Reuters, Libyan leaders met in Geneva to negotiate the terms of “restoring a U.N.-led election process.”<sup>2</sup> This past week, the Libyan High National Election Commission and the

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<sup>1</sup> U.S. DEPT OF STATE, *Joint Statement on the Situation in Libya*, June 24, 2022, available at <https://www.state.gov/joint-statement-on-the-situation-in-libya-3/>.

<sup>2</sup> Emma Farge, *Rival Libya leaders meet in Geneva in bid to salvage elections*, REUTERS, June 28, 2022, available at <https://www.reuters.com/world/africa/rival-libya-leaders-meet-geneva-bid-salvage-elections-2022-06-28/> (quoting a U.N. political affairs chief that is hopeful that the meeting between the Libyan leaders would lead to a “final and implementable agreement that would lead to the elections at the earliest possible date”), included herewith as Exhibit 2.

Libyan Interior Ministry met to discuss election security.<sup>3</sup> Most importantly, Mr. Hifter met this week with Libya's Prime Minister of the Government of National Unity in Tripoli to discuss continued ceasefire and the reunification of the Libyan armed forces, which should help "rehabilitate the UN-sponsored political process [Western powers] hope will culminate in presidential and legislative elections as soon as possible."<sup>4</sup>

This renewed push for elections by the United States and its main European allies is a significant new development and highlights the international interest in the peace process in Libya and the central role that elections will play in that process. The Joint Statement notes that the "transitional phase" of the government was contingent on elections occurring on December 24, 2021, "which has not been the case." The meetings and negotiations taking place in Geneva and Tripoli further show that Libya is making progress toward holding its historic elections.

Given the history of Libyan political actors utilizing this litigation to disrupt and delegitimize Mr. Hifter as a presidential candidate in Libya, this Court's reasoning for the previous stay remains valid. This Court should take judicial notice

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<sup>3</sup>*Libyan Interior Ministry, HNEC Discuss Elections Security*, THE LIBYA UPDATE, July 19, 2022, available at <https://libyaupdate.com/libyan-interior-ministry-hnec-discuss-elections-security/>, included herewith as Exhibit 3.

<sup>4</sup> Kamel Abdallah, *Libya Rivalry Resolved?*, AHRAM ONLINE, July 19, 2022, available at <https://english.ahram.org.eg/NewsContent/50/1203/471798/AlAhram-Weekly/World/Libya-rivalry-resolved.aspx>, included herewith as Exhibit 4.

of the renewed push for elections in Libya and stay these matters to allow the peace process in Libya to proceed unmolested.

Dated: July 22, 2022

Respectfully submitted,

/s/ Jason C. Greaves

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**CERTIFICATE OF SERVICE**

I certify that on July 22, 2022, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/ Jason C. Greaves  
Jason C. Greaves

*Attorney for Defendant Khalifa Hifter*